

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHELLE RICCA	:	CIVIL ACTION
	:	
v.	:	
	:	
PRUDENTIAL INSURANCE	:	No. 08-257
COMPANY OF AMERICA	:	

ORDER

AND NOW, this 30th day of September 2010, the following rulings are ordered:

1. “Defendant, The Prudential Insurance Company of America’s Motion for Summary Judgment” (doc. no. 26) is denied.

2. Plaintiff Michelle Ricca’s “Motion for Summary Judgment” (doc. no. 30) is denied in part and granted in part.

Specifically, plaintiff’s motion for summary judgment is granted to the extent that it opposes defendant’s benefits determination under Group Disability Insurance Policy, Number GO-63871-MN, issued by Prudential to her former employer, Carlson Holdings, Inc. That Policy is an employee welfare benefit plan under the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. § 1001 *et seq.*

3. Plaintiff’s motion for summary judgment granting her an award of disability insurance benefits is denied.

4. Plaintiff’s document entitled, “Motion for Summary Judgment” (doc. no. 28), is

denied as moot.<sup>1</sup>

5. This case is remanded to Prudential Insurance Company of America, as the administrator under ERISA, 29 U.S.C. § 1001 *et seq.*, for further proceedings consistent with the Memorandum accompanying this order.

BY THE COURT:

/s/ Edmund V. Ludwig  
Edmund V. Ludwig, J.

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<sup>1</sup> On October 16, 2009, plaintiff electronically filed only the first page of the motion (doc. no. 28). On October 30, 2009, plaintiff filed a complete “Motion for Summary Judgment” (doc. no. 30), which, in part, is the subject of this Order.